

### **International Taxation**

Volume One

Scott Wilkie



### INTERNATIONAL TAXATION

Second Term, 1999-2000

Instructor: J. Scott Wilkie

**MATERIALS** 

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# University of Toronto Faculty of Law

International Taxation Second Term: 1999/2000

J. Scott Wilkie

Course Outline

#### TABLE OF CONTENTS

7	$\Gamma A$	V	F
- 4	4	ж.	Д.

#### INTRODUCTION TO "INTERNATIONAL TAX"

A

- "International Tax Reform and the Inter-nation Allocation of Tax Revenue" by A.J. Easson – Institute of Policy Studies
- "Taxing Profits in a Global Economy Domestic and International Issues" – OECD Paris 1991
- "Report of the Technical Committee on Business Taxation"
- "Is National Tax Policy Viable in the Face of Global Competition?" by Jack M. Mintz – Special Reports – Tax Notes International July 5, 1999
- Congressional Documents "JCT Reports on International Taxation" – Tax Notes International July 5, 1999
- "Harmful Tax Competition: An Emerging Global Issue"
   Synthesis and Summary of Recommendations OECD
- Scope of the Reports Committee on Fiscal Affairs
- Information Circular 73-10R3 Tax Evasion
- Craven (Inspector of Taxes) v. White and Related Appeal
- Shell Canada Limited v. The Queen, [1999] FTR 33199
- Irving Oil Limited v. The Queen, [1988] 1 C.T.C.
- The Queen v. Irving Oil Limited, [1991 CCH

		IA.
THE	CANADIAN LEGISLATIVE FRAMEWORK	В
•	"Source v. Residence-Based Taxation in the European Union: The Wrong Question?" by Richard M. Bird and J. Scott Wilkie	
•	"Internet Sales Pose International Tax Challenges" by Peter A. Glicklich, Sanford H. Goldberg and Howard J. Levine – Journal of Taxation, June 1996	
•	"International Initiatives of Electronic Commerce"  -Electronic Commerce and Canada's Tax Administration	
•	"Implications and Risks for Canada's Tax Administration"  -Electronic Commerce and Canada's Tax Administration	
•	Interpretation Bulletin IT-221R2 – Determination of an Individual's Residence Status	
	ERNATIONAL TRANSACTIONS WITHIN MULTINATIONAL PORATE GROUPS	С
•	IC 87-2R - International Transfer Pricing	
•	"Canadian Transfer Pricing Rules Keep Pace with International Developments" by J. Scott Wilkie – The Tax Executive March-April 1998	
•	Specialty Manufacturing Limited v. The Queen, 99 DTC	
TAXATION OF NON-RESIDENTS: INBOUND INVESTMENT		
•	"Taxation of International Portfolio Investment" – International Issues in Taxation: The Canadian Perspective	
•	Information Circular IC 76-12R4 – Applicable Rate of Part XIII Tax on Amounts Paid or Credited to Persons in Treaty Countries	
•	Information Circular IC 77-16R3 – Non-Resident Income Tax	
•	Interpretation Bulletin IT-393R – Election Re: Tax On Rents and Timber Royalties – Non-Residents	
•	Interpretation Bulletin IT-420R3 – Non-Residents – Income Earned in Canada	
•	Interpretation Bulletin IT-447 – Resident of a Trust or Estate	
•	Interpretation Bulletin IT-221R2 – Determination of an Individual's Residence Status	

- Information Circular IC 72-17R4 Procedures Concerning the Disposition of Taxable Canadian Property by Non-Residents of Canada – Section 116
- "Non-Resident Withholding Tax: Corporation Obligations" by J. Scott Wilkie
- "Taxable Canadian Property" by Robert Raizenne and Angelo Nikolakakis

## TAXATION OF RESIDENTS: DIRECT AND INDIRECT OUTBOUND INVESTMENT

E

- "International Taxation Current Issues" Canadian Tax Foundation
- Interpretation Bulletin IT-497R Overseas Employment Tax Credit
- Interpretation Bulletin IT-270R2 Foreign Tax Credit
- Interpretation Bulletin IT-506 Foreign Income Taxes as a Deduction from Income
- "Methods for Prevention of Double Taxation" Cyprus Convention
- "The Taxation of Controlled Foreign Corporations: An International Comparison" by Brian J. Arnold
- "The Foreign Affiliate System in View and Review" by J. Scott Wilkie, Robert Raizenne, Heather I. Kerr and Angelo Nikolakakis
- "Taxing Foreign Business Income" by Nick Pantaleo and J. Scott Wilkie
- The Queen v. Canada Trustco Mortgage Company, 99 DTC
- Alexander Cole Limited v. M.N.R. [1990] 2 C.T.C.
- Canada Trustco Mortgage Company v. M.N.R.
- Rostland Corporation v. The Queen [1995] 2 C.T.C.
- Trans World Oil & Gas Ltd. v. The Queen [1995] DTC
- Interpretation Bulletin IT-343R Meaning of the Term Corporation
- ITA 95

#### TAX TREATIES

F

• "Are Tax Treaties Necessary?" by John F. Avery Jones

- "Interpretation of Treaties" Vienna Convention of the Law of Treaties, May 23, 1969
- "The Interpretation of Tax Conventions in Canada" by Stephen R. Richardson and James W. Welkoff
- The Queen v. Melford Developments Inc. SCC [1982]
- Utah Mines Ltd. v. The Queen [1992] DTC
- The Queen v. Crown Forest Industries Limited et al [1995] DTC
- "A Resident of a Contracting State for Tax Treaty Purposes: A Case Comment on Crown Forest Industries"
- "The Interpretation of Tax Treaties With Particular Reference to Article 3(2) of the OECD Model I"
- "Interpretation of Tax Treaties A Case Study" by Peter Sundgren
- "International: A Model Tax Treaty for the Asian-Pacific Region? (Part I)" by Richard J. Vann
- "Abuse of Tax Treaties" by David A. Ward, Q.C.
- Kubicek Estate v. The Oueen [1997] DTC
- The Attorney General of Canada v. Kubicek Estate [1997] DTC
- Cudd Pressure Control v. The Queen [1998] DTC
- 1999 TNT 131-5 Reg Violates Treaty's 'Separate Entity' Approach for Bank's Intra-corporate Interest Expense
- Commentary on Article 5 Concerning the Definition of Permanent Establishment – November 1997 OECD